

Have had the same under consideration, and beg to report it back to the Senate, with the recommendation that it do pass, and be printed in the Journal only.

Parr, Chairman; Buchanan of Scurry, Hudspeth, King, Buchanan of Bell, Johnson of Hall, Dayton, Hall.

By Hudspeth.

S. B. No. 396.

A BILL  
To Be Entitled

An Act to validate titles to school land which has been purchased on condition of settlement and residence in cases where the purchaser made settlement thereon, as required by law, and, before the expiration of three years from date of award, transferred the land but completed the occupancy and obtained a certificate of occupancy; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. In all cases where public school land has been purchased from the State on condition of settlement thereon, as required by law, and before the expiration of three years from date of award transferred the land but completed the occupancy, the title under such purchase is hereby validated.

Sec. 2. The fact that the titles of some of the citizens of Texas to their lands are in jeopardy and the near approach of the end of the session and the volume of business in the Legislature creates an emergency and an imperative public necessity that the constitutional rule, requiring bills to be read on three several days be suspended and that this Act take effect and be in force from and after its passage, and it is so enacted.

(Floor Report.)

Senate Chamber,

Austin, Texas, February 19, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 388, A bill to be entitled "An Act to create the Wharton Independent School District in Wharton County, Texas, including the present Wharton Independent School District, providing for a board of trustees in said Wharton Independent

School District, conferring upon said district and its board of trustees all of the rights, powers, privileges, and duties now conferred and imposed by the General Laws of Texas upon independent school districts and the board of trustees thereof, providing that the board of trustees of the present Wharton Independent School District shall be continued in office until the expiration of their respective terms, providing that the successors to the board of trustees of the present Wharton Independent School District shall be elected as provided by the General Laws of Texas for the election of trustees in independent school districts incorporated for school purposes only, providing that the passage of this Act shall not interfere with or invalidate any outstanding indebtedness of the present Wharton Independent School District, and declaring an emergency."

Have had the same under consideration, and beg leave to report the same back to the Senate, with the recommendation that it do pass, and be not printed.

Bee, Chairman; Alderdice, Bailey, Gibson, Dean, Lattimore, Dayton, Harley, Smith.

THIRTY-THIRD DAY.

Senate Chamber,

Austin, Texas,

Tuesday, February 20, 1917.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor W. P. Hobby.

The roll was called, a quorum being present, the following Senators answering to their names:

Alderdice.	Hudspeth.
Bailey.	Johnson of Hall.
Bee.	Johnston of Harris.
Buchanan of Bell.	King.
Buchanan of Scurry.	Lattimore.
Caldwell.	McCollum.
Clark.	McNealus.
Dayton.	Page.
Dean.	Parr.
Decherd.	Robbins.
Floyd.	Smith.
Gibson.	Strickland.
Hall.	Suiter.
Harley.	Westbrook.
Henderson.	Woodward.
Hopkins.	

Prayer by the Chaplain.  
Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Dean.

#### Petitions and Memorials.

See Appendix.

#### Committee Reports.

See Appendix.

#### Bills and Resolutions.

##### Simple Resolution No. 91.

By Senators Buchanan of Bell, Hopkins and Johnson of Hall:

Whereas, Hon. C. W. Taylor, a former distinguished member of this Senate, is now in the city, therefore be it

Resolved, That he be invited to address the Senate and be extended the privileges of the floor.

The resolution was read and adopted.

Ex-Senator Taylor addressed the Senate briefly.

By Senator Hudspeth:

S. B. No. 403, A bill to be entitled "An Act to amend Article 3881 of the Revised Civil Statutes of the State of Texas, as amended by Chapter 121 of the Acts of the Thirty-third Legislature, and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Hudspeth:

S. B. No. 404, A bill to be entitled "An Act to repeal Article 2633 of the Revised Civil Statutes of the State of Texas of 1911, and to provide for the lease and sale of the lands belonging to the permanent fund of the University of Texas; to provide the time, manner, conditions and terms upon which said lands may be sold or leased, and the reservation of all minerals on all of said lands, and providing further for the placing the sale and leasing of said lands under the control of the Commissioner of the General Land Office, and repealing all laws in conflict herewith, and declaring an emergency."

Read first time and referred to the Committee on Public Lands and Land Office.

By Senator Johnson of Hall:

S. B. No. 405, A bill to be entitled "An Act to authorize the Panhandle & Santa Fe Railway Company to purchase, own and operate the railroad of the South Plains & Santa Fe Railway Company, with its franchises and appurtenances, now and hereafter owned; and the railroad of the North Texas & Santa Fe Railway Company, with its franchises and appurtenances, now and hereafter owned; and until such purchase or purchases is or are made to authorize lease by the Panhandle & Santa Fe Railway Company of the railroad and other properties of said other companies or either of them, and declaring an emergency."

Read first time and referred to Committee on Internal Improvements.

By Senator Suiter:

S. B. No. 406, A bill to be entitled "An Act to amend Section 7 of Chapter 6 of the special laws passed at the regular session of the Thirty-fourth Legislature, 1915, being an Act entitled 'An Act to create a more efficient road system for Wood County,' etc., and adding thereto Sections, 7a, 7b, 7c, 7d, 7e, 7f, 7g, 7h and 7i, providing for the issuance of bonds by said county, or any political subdivision or defined district thereof, by election, for the purpose of the construction, maintenance and operation of macadamized, graveled or paved roads or turnpikes, and the levy of taxes to provide the necessary interest and sinking fund therefor; providing that the same territory may be embraced in more than one and not more than two defined districts of said county, defined and established for road purposes; providing for the validation of all proceedings and orders heretofore had and made by the commissioners court in the establishment of a road district where the territory embraced therein overlapped the territory embraced within the boundaries of another road district theretofore formed; and validating all proceedings and orders heretofore had and made in the issuance of bonds by such overlapping road district; providing that this Act shall be cumulative of the general laws, and special road laws of Wood County, and declaring an emergency."

Read first time and referred to

Committee on Roads, Bridges and Ferries.

#### Simple Resolution No. 92.

By Senators Hudspeth and Smith:

Whereas, on February 18, at his home in Santa Fe, N. M., the great Democratic Governor of our sister State, New Mexico, succumbed to the Grim Reaper and departed this life; and

Whereas, in the loss of Governor E. C. DeBaca the Democracy of the nation lost one of its foremost members and the Democratic party of his State a militant member, and the citizenship an upright Christian gentleman; therefore be it

Resolved, That the Senate of Texas condoles and sympathizes with our sister State in this great and irreparable loss; and be it

Further Resolved, That this resolution be spread on the Journal of the Senate and a copy of the same be sent to the Speaker of the House of Representatives of New Mexico and to the family of the deceased.

Read and unanimously adopted by rising vote of the Senate.

Morning call concluded.

#### Messages from the House.

Hall of the House of Representatives.

Austin, Texas, Feb. 20, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. C. R. No. 16, relating to the death of General Frederick Funston.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

Hall of the House of Representatives.

Austin, Texas, Feb. 20, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

H. B. No. 654, A bill to be entitled "An Act to create a more efficient road system for Angelina County; creating a highway commission, defining its duties, providing for the qualification and election of the

members of the same, etc., and declaring an emergency."

Grants the request of the Senate for the return and returns herewith S. B. No. 264 and S. B. No. 265 for final passage.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

Hall of the House of Representatives.

Austin, Texas, Feb. 20, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House refused to engross House Bills Nos. 30 and 150, copies of bills herewith transmitted.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

#### House Concurrent Resolution No. 16.

By Nordhaus, Lange, Schlessinger and Wahrmond.

The Chair laid before the Senate H. C. R. No. 16, as follows:

Whereas, the House of Representatives has learned with profound regret of the untimely death of General Frederick Funston, commander of the Southern Department of the United States army stationed at San Antonio; and

Whereas, his distinguished services challenge admiration of every true American citizen and especially the people of the State of Texas, with whom he has labored and for whom he has done so much in bringing together on common ground of understanding the citizen and the soldier, and since it is proper that this body give suitable expression to the high esteem in which this great soldier is held; therefore be it

Resolved, by the House of Representatives, the Senate concurring, That in the death of General Funston the American people have lost a true patriot and distinguished soldier, and the people of Texas have lost a real friend, whose place it will be difficult to fill—a man whose worth and merit the grateful people of this State will ever hold in sacred remembrance.

Resolved further, That these resolutions be spread upon the Journal of the House and of the Senate as an expression of our regard for his life and memory, and when the

House adjourns today it do so out of respect to his memory, and that a page of the Journal be set apart for this resolution.

On motion of Senator Bee, the Senate concurred in the resolution unanimously by a rising vote.

#### Senate Bill No. 59 Set as Special Order.

By unanimous consent and on request of Senator Strickland, S. B. No. 59 was set as a special order for next Monday at the conclusion of the morning call.

#### Simple Resolution No. 66.

Senator Lattimore called up from the table S. R. No. 66, laid on the table subject to call on February 16, said resolution providing for an investigation of the University of Texas by a special committee. (See page 348 of the Journal for the resolution in full.)

Pending discussion, Senator Dayton offered the following substitute for the pending resolution:

Substitute for Simple Resolution No. 66:

Whereas, the testimony taken by the Board of Regents of the University of Texas having been published and a copy of same having been sent each Senator, and members of the Senate having had an opportunity to read and consider the same, that it is the sense of the Senate:

First—That the Board of Regents went into the charges thoroughly, as same were properly called to their attention by the Governor, and the evidence has sufficiently developed that there is not sufficient occasion for the reopening and the reconsidering of the conclusions of said board.

Second—That the investigation disclosed some careless practices not amounting to moral turpitude that had grown up in the management of the university during its 33 years of existence, and these careless methods have all been rectified, and considering that the university is 33 years old and has grown to be a large institution of which the State is proud, and upon which the State and the people are to be congratulated that there was as little found

in its management subject to criticism as was found, and the Governor having stated "he did not consider further investigation necessary"; therefore, be it

Resolved, That the judgment of the Board of Regents on matters considered by them, including charges against individuals, and all other matters considered by said board at said hearing were, and of right ought to be regarded by each Senator as res adjudicata.

Senator Bailey moved to table the substitute, all amendments thereto, the resolution and all pending amendments and matters of any nature pertaining to the investigation. Pending.

#### Recess.

At 12:45 o'clock p. m., on motion of Senator Dean, the Senate recessed until 2 o'clock today.

#### After Recess.

(Afternoon Session.)

The Senate was called to order by President Pro Tem. Henderson.

#### Simple Resolution No. 66.

(Pending.)

Action recurred on the pending resolution, and Senator Dayton asked unanimous consent to withdraw the pending substitute for the purpose of correction.

There was objection.

The question being upon the motion of Senator Bailey to table the pending resolution, the substitute and all matters pertaining to the same.

Senator Lattimore moved as a substitute that Senator Dayton be given permission to withdraw his substitute for the pending resolution for the purpose of correction.

Senator Page made the point of order that a motion to table can not be substituted.

The Chair overruled the point of order.

The motion of Senator Lattimore to permit Senator Dayton to withdraw the substitute resolution prevailed by the following vote:



## Yeas—18.

Buchanan of Bell.	Johnston of Harris.
Buchanan of Scurry.	Lattimore.
Dayton.	McCollum.
Dean.	McNealus.
Decherd.	Robbins.
Floyd.	Smith.
Gibson.	Strickland.
Henderson.	Sulter.
Johnson of Hall.	Westbrook.

## Nays—9.

Bee.	Hudspeth.
Caldwell.	King.
Clark.	Page.
Hall.	Parr.
Hopkins.	

## Present—Not Voting.

Harley.

## Absent.

Alderdice.	Woodward.
Balley.	

Senator Dayton offered the following amendment to S. R. No. 66, to be added at the end of said resolution:

Whereas, the testimony taken by the Board of Regents of the University of Texas having been published and a copy of same having been sent each Senator, and members of the Senate having had an opportunity to read and consider the same, that it is the sense of the Senate:

First—That the Board of Regents went into the charges thoroughly, as same were properly called to their attention by the Governor, and the evidence has sufficiently developed that there is not sufficient occasion for the reopening and the reconsidering of the conclusions of said board.

Second—That the investigation disclosed some careless practices not amounting to moral turpitude that had grown up in the management of the university during its 33 years of existence, and these careless methods have all been rectified, and considering that the university is 33 years old and has grown to be a large institution, of which the State is proud, and upon which the State and the people are to be congratulated that there was as little found in its management subject to criticism as was found, and the Governor having stated "he did not consider further investigation necessary"; therefore, be it

Resolved, That the judgment of the Board of Regents on matters considered by them, including charges against individuals, and all other matters considered by said board at said hearing were and of right out to be regarded by each Senator as res adjudicata.

Be it further resolved, That the investigation herewith provided for as to any matters connected with the university be and the same is hereby fully satisfied by the adoption of this amendment to the original resolution, and that the committee provided for in the original resolution confine its investigations to the questions pertaining to the fitness of the proposed members of the Board of Regents, and those matters affecting that question.

Pending.

## Executive Session.

The Chair here announced that the hour, 2:30 o'clock p. m., heretofore designated by the Senate to hold Executive Session, had arrived, and directed the Chamber cleared of those not entitled to remain.

By unanimous consent, and on request of Senators Hudspeth and Lattimore, the hour for Executive Session was postponed until 3 o'clock today, at which hour the Chamber was cleared of those not entitled to remain.

The following confirmation was made in Executive Session as reported by the Secretary to the Journal Clerk:

Hon. F. L. Hillyer, of Bexar County, to be a member of the Board of Managers of the Southwestern Insane Asylum at San Antonio.

The Senate refused to confirm the appointment of Hon. Abe Frank, of Travis County, as a member of said Board of Managers for the State Lunatic Asylum, situated at Austin, Texas.

## In the Senate.

## Refusal to Adjourn.

At 5:45 o'clock p. m., Senator Page moved that the Senate adjourn until 10 o'clock tomorrow.

The motion was lost.

**Simple Resolution No. 66.**

(Pending.)

Action recurred on the pending business, S. R. No. 66, and Senator Hudspeth moved to suspend the pending business and take up S. B. No. 219.

The motion prevailed.

**Senate Bill No. 219.**

The Chair laid before the Senate on second reading:

S. B. No. 219, A bill to be entitled "An Act denying to railroad corporations and other common carriers, their representatives and successors, the right to have, claim, justify, vindicate or enforce any power, benefit or privilege given or described in any law of Texas, and denying to any court created by any law of Texas jurisdiction over any cause brought or proposed to be brought by any such corporation, its successors or representatives, to fix, claim or in any wise enforce, any such right, power, benefit or privilege, where such corporation shall on or after March 1, 1917, disobey the requirements of any constitutional or statutory provision of this State, or any order, rate, rule or regulation of the Railroad Commission of Texas, pertaining to intrastate freight or passenger transportation where such disobedience, etc., is not absolutely necessary to lawful compliance with mandatory regulations prescribed by Congress, or by the Interstate Commerce Commission, or other Federal board, in the due and proper exercise of jurisdiction conferred upon them; specifically defining some, but not all, of the laws, the powers, privileges and benefits of which are hereby denied; providing that the denial of the future use or enjoyment of such powers, privileges or benefits shall not relieve such corporation, or its successors, of the performance of any public duty or to destroy, waive or otherwise impair liability for penalties, forfeitures and other remedies incurred by such corporation through such disobedience to be grounds of forfeiture; providing for suits for forfeiture, venue for same, and regulating certain defenses therein; providing for and regulating the appointment of receivers in such suits; declaring the terms, etc.,

of the Act to be separable, and declaring an emergency."

Pending.

**Refusal to Adjourn.**

At 6 o'clock p. m., Senator Clark moved that the Senate adjourn till 10 o'clock tomorrow.

The motion was lost.

**Senate Bill No. 219.**

(Pending.)

Senator Gibson moved to postpone further consideration of S. B. No. 219 until Thursday, March 1, at the conclusion of the morning call.

Senator Hall moved as a substitute that consideration of S. B. No. 219 be postponed until next Monday, February 26, after the consideration of S. B. No. 59.

Pending.

**Refusal to Adjourn.**

At 6:33 Senator Hopkins moved that the Senate adjourn until 10 o'clock tomorrow.

The motion was lost by the following vote:

Yeas—12.

Buchanan of Bell.	Hudspeth.
Clark.	Lattimore.
Decherd.	McNealus.
Gibson.	Page.
Harley.	Robbins.
Hopkins.	Woodward.

Nays—14.

Bee.	Johnson of Hall.
Buchanan of Scurry.	Johnston of Harris.
Caldwell.	Parr.
Dayton.	Smith.
Dean.	Strickland.
Hall.	Suiter.
Henderson.	Westbrook.

Absent.

Alderdice.	• King.
Bailey.	McCollum.
Floyd.	

**Adjournment.**

Senator Westbrook moved to recess until 8 o'clock tonight.

Senator Page, as a substitute, that the Senate adjourn until 10:01 a. m. tomorrow.

The substitute motion prevailed by the following vote:

Yeas—14.

Bailey.	Hopkins.
Caldwell.	Hudspeth.
Clark.	Johnston of Harris.
Decherd.	Lattimore.
Gibson.	Page.
Harley.	Robbins.
Henderson.	Woodward.

Nays—11.

Bee.	Johnson of Hall.
Buchanan of Bell.	Parr.
Buchanan of Scurry.	Smith.
Dayton.	Strickland.
Dean.	Westbrook.
Hall.	

Absent.

Alderdice.	McCollum.
Floyd.	McNealus.
King.	Suiter.

## APPENDIX.

### Petitions and Memorials.

Senator Page offered a telegram from a number of citizens of Waco, calling for an investigation of the University of Texas.

A numerous signed petition to Senator Page requesting a reduction of license on the medicine vendors, was offered.

A lengthy petition to Senator Alderdice from Cleburne, Texas, was offered, protesting against Senate Bill No. 219, a railroad bill.

Lieutenant Governor Hobby offered a letter from H. C. Poe of Temple, relating to a statement now on file with the Journal Clerk.

The Chair, Lieutenant Governor Hobby, had read a petition from San Antonio real estate board, endorsing the passage of a bill, known as the "Torrens System of Land Title Registration."

Senator McNealus sent up and had read a petition from the Ex-Students' Association of the University, requesting a full investigation of the State University.

Senator Bee offered a petition from San Antonio, supporting Senate Bill No. 158 and House Bill No.

375, providing for the establishment of free kindergartens.

Senator Floyd offered a petition from Winfield, Texas, requesting him to vote for the submission of a constitutional amendment introduced in the House.

A letter was read from the board of directors of the Texas Federation of Women's Clubs asking a full investigation of the State University.

Senator Bailey sent up and had read a telegram from the citizens of Cuero, Texas, opposing all railroad legislation, especially Senate Bill No. 219. The telegram was referred to the Committee on Civil Jurisprudence.

Senator Alderdice sent up a petition from Navarro County, protesting against the passage of the Dean telephone bill.

Thanks.

Senate Chamber,  
Austin, Texas, February 20, 1917.

Resolved, That the Senate, in behalf of the lady employes of this body, do adopt and approve the following sentiments, expressed at their request:

We, the lady employes of the Texas Senate, appreciate most highly, the very gracious courtesy extended to us by Mr. Geo. H. Walker, manager of the Hancock Opera House, in inviting us to become his guests at a play entitled "Peg 'o My Heart," last Saturday night; and we desire thus publicly to thank him for the great pleasure it afforded us to accept same. We were highly entertained, and this kindness, shown us on this occasion, has forever enshrined his name in our hearts.

CLARK.

The foregoing was read and ordered printed in the Journal.

### Engrossing Committee Reports.

Committee Room,  
Austin, Texas, February 20, 1917.  
Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Engrossed Bills has had Senate Bill No. 34 carefully compared, and finds the same correctly engrossed.

ALDERDICE, Chairman.

Committee Room,  
Austin, Texas, February 20, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Engrossed Bills has had Senate Bill No. 176 carefully compared, and finds the same correctly engrossed.

ALDERDICE, Chairman.

Committee Room,  
Austin, Texas, February 20, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Engrossed Bills has had Senate Bill No. 317 carefully compared, and finds the same correctly engrossed.

ALDERDICE, Chairman.

Committee Room,  
Austin, Texas, February 20, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Engrossed Bills has had Senate Bill No. 304 carefully compared, and finds the same correctly engrossed.

ALDERDICE, Chairman.

Committee Room,  
Austin, Texas, February 20, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Engrossed Bills has had Senate Bill No. 377 carefully compared, and finds the same correctly engrossed.

ALDERDICE, Chairman.

#### Committee Reports.

Committee Room,  
Austin, Texas, February 20, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 366, A bill to be entitled "An Act requiring railroad companies and receivers of railroad companies, now or hereafter contesting, in any suit in any court or in any proceeding or controversy before any tribunal, the legality or justness or reasonableness of any railroad rate, schedule of rates, or system of rates, any classification of freight or anything contained in such classification of freight, or any rule, order or regulation, heretofore or hereafter estab-

lished by the Railroad Commission of Texas, to make through certain officers certain reports to the Railroad Commission of Texas when required by said Commission, the Commission being empowered to require such reports, with respect to each shipment of freight moved wholly between points within the State over the railroads operated by such companies or receivers; prescribing penalties to be recovered in behalf of the State for the failure or refusal of any railroad company or receiver to make any such report as may be required by said Railroad Commission under this Act; declaring the liability of any railroad company or receiver for overcharges upon certain bases; providing for the recovery under certain conditions by consignors or consignees against any such railroad company or receiver of reasonable attorney's fees; providing for suits by consignors or consignees or the Attorney General to enforce rights under this Act, with the right of intervention by other parties; making the provisions of this Act, with all its rights and remedies applicable to and available by the heirs, legal representatives, assignee or assignees of any consignor or consignee; fixing the venue in suits brought by the Attorney General in any suit or suits brought by him under this Act in Travis County, Texas; defining the term shipment; providing that overcharges collected by any railroad company or receiver shall constitute a trust fund for the benefit of persons entitled to such overcharges; limiting the provisions of this Act, as to rights, remedies, and obligations, to shipments and transactions wholly within this State; prescribing that a certificate or certificates shall be furnished upon application by the Railroad Commission of Texas, certifying to the facts shown by any report or reports made under this Act, with respect to any shipment or shipments, and providing that such certificates shall be received in evidence in any suit or suits to recover overcharges and attorney's fees or overcharges without attorney's fees brought under this Act, and that the same shall be prima facie evidence of the matters shown in any such report or reports, and declaring an emergency,"

Have had the same under consid-



eration, and I am instructed to report the same back to the Senate, with the recommendation that it do pass.

BAILEY, Chairman.

(Floor Report.)

Senate Chamber,

Austin, Texas, February 20, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: We, your Committee on Towns and City Corporations, to whom was referred

S. B. No. 395, A bill to be entitled "An Act to define and construe an Act approved March 16, 1907, being Chapter 26 of the Special Laws of the Thirtieth Legislature, and amendments thereto by an Act approved September 1, 1910, being Chapter 1 of Special Laws of the Fourth Session of the Thirty-first Legislature, 1910, authorizing the County of Galveston to build and construct a causeway and to issue bonds therefor. Defining and construing the intention of said Acts to be that an issue of bonds and levy of tax by said county for such purpose can be made whenever said causeway needs reconstruction in whole or in part, or needs repairs. Declaring the object and intent being to provide the State of Texas at all times with suitable access to the port of Galveston; and the further purpose of this Act is to validate an issue to be made of \$600,000.00 of bonds, a second issue for construction of the causeway lost in the storm of August, 1915, that issue of bonds being under the terms and provisions of said Act as amended, so as to authorize the issue of said bonds in conformity with the provisions of the Constitution of this State, including Article 3, Section 52, and declaring an emergency,"

Have had the same under consideration, and beg leave to report the same back to the Senate, with the recommendation that it do pass.

Johnston of Harris, Chairman; Page, Bee, Hall, King, McNealus, Suiter, McCollum.

(Floor Report.)

Senate Chamber,

Austin, Texas, February 19, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: We, your Committee on Stock

and Stock Raising, to whom was referred

S. B. No. 343, A bill to be entitled "An Act to amend Articles 7282, 7283, 7284, 7285, 7286, 7287 and 7289 of Chapter 7, Title 124, of the Revised Civil Statutes of Texas, 1911, providing for the protection of stock raisers in certain localities, and declaring an emergency,"

Have had the same under consideration, and beg to report it back to the Senate, with the recommendation that it do pass, and be printed in the Journal only.

Clark, Chairman; Hudspeth, Parr, Johnson, Buchanan of Bell, Dean.

By Hudspeth.

S. B. No. 343.

#### A BILL To Be Entitled

An Act to amend Articles 7282, 7283, 7284, 7285, 7286, 7287 and 7289, of Chapter 7, Title 124, of the Revised Civil Statutes of Texas, 1911, providing for the protection of stock raisers in certain localities, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Articles 7282, 7283, 7284, 7285, 7286, 7287 and 7289 be amended so as to hereafter read as follows, to wit:

Article 7282. Hides Imported from Mexico. The hides of all cattle imported into this State from Mexico shall be inspected by the inspector of hides and animals of any county or district into which the same may be introduced or imported; and, should the importer of said hides fail or refuse to place such hides in a position where the same may be inspected by said inspector, or if said hides are found by said inspector to be folded or booked in such a manner as that the same may not be inspected without injury to said hides, then it shall be the duty of said inspector to take possession of such hides and have the same treated in such a manner as will enable him to unfold the same without injury thereto; provided, however, that such inspector shall not be held liable for any damage which may accrue to such hides by reason of the treatment thereof for the purpose of enabling him to inspect the same and such treatment as may be necessary

**In Memory**  
**of**  
**General Frederick Funston**

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SIMPLE RESOLUTION NO. 90.

Whereas, By the untimely death of General Frederick Funston, of the United States Army, our country has lost a valuable officer and a good citizen, and our State has lost a great and good friend; therefore be it

Resolved by the Senate of the State of Texas, That the Senate, when it adjourns today, do so out of respect to the memory and achievement of that great soldier and citizen. Be it further

Resolved, That a page in the Journal of today be set aside to his memory, and that a copy of these resolutions be sent to the family and to the headquarters of the Southern Department at Fort Sam Houston, San Antonio, Texas.

HARLEY.  
ROBBINS.

February 20, 1917.

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Read and adopted by unanimous rising vote.

to enable the inspector to unfold and inspect such hides shall be wholly at the risk of the importer or person in whose possession such hides may be found, and in addition to the inspection fees allowed such inspector for the inspection of said hides, there shall be paid by the importer or the person in whose possession said hides may be found after importation, all expenses incurred by said inspector in the treatment of said hides, for the purpose of enabling him to inspect the same as provided in this article, such expenses to include drayage and freight charges and all expenses for handling and treatment of said hides, and if the importer or the person in whose possession said hides may be found after importation shall fail or refuse to pay said expenses for treatment, or if he shall fail or refuse to pay the inspection fees as required by law, the inspector is hereby authorized to retain possession of said hides and sell a sufficient number thereof, after public notice of three days, to the highest and best bidder, to pay said inspection fees and all necessary expenses in connection therewith.

Article 7283. Horses, Mules and Cattle. Horses and mules and cattle imported from Mexico into this State shall be inspected in accordance with the provisions of Article 7267, and with like authority to retain and sell as provided in Article 7282 for a failure to pay the inspection fees.

Article 7284. Suspicious Hides and Animals to Be Seized. Should an inspector of hides and animals find among hides or animals imported from Mexico any hides or animals which, from the brand or from other evidence, he has reason to believe have been stolen from the lawful owner, it shall be his duty to separate said hides or animals from the others undergoing inspection, and take possession of the same, and to notify any person he believes to be interested therein to come forward and institute suit for the recovery of the same.

Article 7285. Procedure Upon Seizure. Should no person appear to claim said hides or animals, the inspector shall, within twenty-four hours, make oath before the district judge, the county judge, or any justice of the peace of the county,

according to the value of the property involved, that he has reason to believe that said hides or animals have been stolen; whereupon said judge or justice of the peace shall issue a citation, directing the importer or party claiming the same to appear before him at his office within a time specified, not to exceed twenty-four hours, to show cause why said property should not be condemned.

Article 7286. Importer to Recover on Proof. Should said importer or claimant make proof that he is the lawful owner of said hides or animals by showing a bill of sale from the owner of same, or his legally authorized agent, and by showing a complete chain or transfer of title from the original owner of the brand to himself, or his firm, as the case may be, such judge or justice of the peace shall direct that the same be delivered to said importer or claimant upon his paying the inspection fees.

Article 7287. Hides or Animals to Be Sold if not Proven Away. Should the importer or claimant of said hides or animals fail to establish his claim as the lawful owner of the same, or to any number of said hides or animals so seized it shall be the duty of the district judge, county judge or justice of the peace to direct that said property be sold at public auction by the inspector of hides and animals or his deputy, after a notice of ten days, published in a newspaper, should there be one published in said county, or if no newspaper be published in the county, then by notice in writing, posted at the courthouse and two or more other places in said county, and the said hides shall be sold to the highest and best bidder.

Article 7289. Property to Be Delivered to True Owner, etc. Should any person appear either by himself, his agent or attorney, and claim any hides or animals imported from Mexico at any time before the same shall have been sold as above directed, and should said claim be established before such judge or justice of the peace of said county, such property shall be delivered to the claimant, and all costs accruing therein shall be paid by the importer; provided, that at any time before proceedings shall have been commenced as above directed, the

importer may be permitted to pay the lawful owner, his agent or attorney, for any hides or animals imported by him from Mexico and presented in any county of this State for inspection, and upon such payment, and the fees for inspection, such hides or animals shall be released.

Sec. 2. The law as it now exists, being inadequate to cover the inspection of hides and animals imported from Mexico, creates an emergency, and an imperative public necessity, requiring that the constitutional requirement that a bill be read on three several days be suspended, and that this Act take effect from and after its passage, and it is so enacted.

#### Enrolling Committee Reports.

Committee Room.

Austin, Texas, February 19, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate Bill No. 61 and find it correctly enrolled, and have this day at 3:30 o'clock p. m. presented same to the Governor for his approval.

SMITH, Chairman.

By Hopkins.

S. B. No. '61.

An Act to amend Article 3420, Chapter 18, Title 52, of the Revised Statutes of the State of Texas of 1911, so as to provide that no property encumbered by certain liens shall be set aside to the widow or children as exempt property, or appropriated to make up the allowances in lieu of exempt property, or for a year's support, until the debts secured by such liens are first discharged, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 3420, Chapter 18, Title 52, of the Revised Civil Statutes of the State of Texas of 1911, be amended so as to hereafter read as follows:

Article 3420. No property upon which a lien or liens have been given by an unmarried person, or by the husband and wife acknowledged in a manner legally binding upon the wife,

or upon which a vendor's lien or other lien or liens existing at the date of acquisition of property exists, shall be set aside to the widow or children as exempted property or appropriated to make up allowances made in lieu of exempted property, or for the support of the widow or children, until the debts secured by such liens are first discharged, and provided that this article shall apply to all estates regardless of whether solvent or insolvent.

Sec. 2. The fact that under the present law single men and women can not create liens on their property, to secure any indebtedness except purchase money, that is indefeasible after their death, in case such decedent leave surviving a widow, minor children or unmarried daughters, creates an emergency and an imperative public necessity calling for the suspension of the constitutional rule requiring bills to be read on three several days, and such rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

#### THIRTY-FOURTH DAY.

Senate Chamber,  
Austin, Texas,

Wednesday, February 21, 1917.

The Senate met at 10:01 o'clock a. m. pursuant to adjournment, and was called to order by President Pro Tem. Henderson.

By unanimous consent the Chair announced that the Senate would stand at ease for thirty minutes, at the expiration of which time the roll was called, a quorum being present, the following Senators answering to their names:

Alderdice.	Hudspeth.
Bee.	Johnson of Hall.
Buchanan of Bell.	Johnston of Harris.
Buchanan of Scurry.	King.
Caldwell.	Lattimore.
Clark.	McCollum.
Dayton.	McNealus.
Dean.	Page.
Decherd.	Parr.
Floyd.	Robbins.
Gibson.	Smith.
Hall.	Strickland.
Harley.	Sulter.
Henderson.	Westbrook.
Hopkins.	Woodward.